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**Town of Reading Zoning Board of Appeals**  
**The Decision of the Board of Appeals on the Petition of**  
**Laura Doherty & Paul Reynolds**  
**For the Property Located At**  
**35 Chute Street, Reading, Massachusetts**  
**March 6, 2019**  
**Case No. 19-03**

The Reading Zoning Board of Appeals (The "Board") held a public hearing in the Selectmen's Meeting Room at Town Hall, 16 Lowell Street in Reading, Massachusetts on Wednesday, March 6, 2019 to hear the petition of Laura Doherty and Paul Reynolds (the "Petitioners") who sought a Special Permit under Sections 7.3.2 of the Zoning Bylaw to construct a second story addition to an existing non-conforming dwelling on the property located at 35 Chute Street, Reading, Massachusetts (the "Property").

The Property is located in an S-15 residential Zoning District. The Petitioners proposed to construct a second story addition to an existing non-conforming structure on a non-conforming lot in accordance with Plot Plan of Land dated November 20, 2018, prepared and certified by John D. Sullivan III, PE. Box 2004, Woburn, MA 01888 and Architectural Drawings Sheets 1-10 dated August 14, 2018, prepared by Twomey Design, 23 California Road, Reading, MA 01867, all enclosed with the application.

A Special Permit is required under Section 7.3.2 of the Zoning Bylaw for a new structure or addition to gross floor area of an existing structure and may be granted if the Zoning Board of Appeals finds such reconstruction, extension, alteration or structural change is not substantially more detrimental to the neighborhood than the existing nonconforming building or structure.

Ms. Twomey made a brief presentation supporting Petitioners request for a Special Permit. Following the presentation, board discussion and opening the meeting for public input, the Board voted unanimously (5-0-0) to grant the Petitioner's request for a Special Permit to

construct a second story addition in accordance with the referenced plans subject to the following conditions.

1. The Petitioner shall submit to the Building Inspector a Certified Plot Plan of the proposed construction and a proposed foundation plan prior to the issuance of a foundation permit for the work.
2. The Petitioner shall submit to the Building Inspector final construction plans for the proposed structure, along with the As-Built foundation plan for the structure, prior to the issuance of a Building Permit.
3. The Petitioner shall submit to the Building Inspector, As-Built plans of the new structure prior to the issuance of an Occupancy Permit.

Any person aggrieved by the decisions of the Board may appeal to the appropriate court pursuant to M.G.L. c. 40A Section 17, within 20 days after the date of filing this Decision with the Town Clerk. Notice of appeal with a copy of the complaint must also be filed with the Town Clerk within twenty (20) as provided in Section 17.

This Special Permit shall not take effect until a copy of this Decision, bearing certification of the Town Clerk that twenty (20) days have elapsed after the decision was filed with the Town Clerk and no appeal has been filed, or if an appeal has been filed within such time, that it has been dismissed or denied, is recorded in the Middlesex South District Registry of Deeds and indexed in the Granter's Index under the name of the owner of record, or is recorded and noted on the Owner's Certificate of Title. The fee for recording or registering shall be paid by the Owner or Petitioner. Any person exercising rights under a duly appealed variance does so at the risk that a court may reverse the variance and order undo any construction performed under the variance.

ON BEHALF OF THE READING ZONING BOARD OF APPEALS

  
John Jarema, Chairman

Zoning Board Members Voting: Damase Caouette, Erik Hagstrom, John Jarema, Nick Pernice, and Robert Redfern